

**Notice of Allowability**

Application No.

10/572,607

Examiner

LEE D. WILSON

Applicant(s)

GEIER ET AL.

Art Unit

3727

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/15/2011.
2. ☒ The allowed claim(s) is/are 1-29.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application   |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>3/15/2011</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                          |
|  | 9. <input type="checkbox"/> Other _____.  |

/LEE D WILSON/  
Primary Examiner, Art Unit 3727

### **SUPPLEMENTAL EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Matthew W. Witsil on 3/15/2011.

**The application has been amended as follows:**

2. **The following claims have been amended and a complete list is provided below:**

#### **Listing of Claims:**

1. (Currently amended) A clamping or spreading tool, comprising:
  - a push or pull rod to which a movable jaw is fixed;
  - a stationary jaw;
  - a gear mechanism by which the movable jaw is movable towards or away from the stationary jaw by displacement of the push or pull rod in a clamping or spreading direction and by which clamping or spreading forces are applied between the jaws;
  - a lock that blocks displacement of the push or pull rod in an opening direction opposite to the clamping or spreading direction so as to maintain the clamping or spreading forces generated between the jaws; and

a force dissipating mechanism for dissipating the clamping or spreading forces stored that allows absorption displacement of the push or pull rod in the opening direction along a predetermined absorption path and blocks absorption displacement of the push or pull rod in the opening direction beyond the predetermined absorption path upon release of the lock, said force dissipating mechanism including a release lever to release the lock and an entraining slide element to block the absorption displacement of the push or pull rod in the opening direction beyond the predetermined absorption path upon release of the lock, ~~wherein~~ wherein said release lever includes ~~has~~ a contacting member which is offset from and contacts an elongated member with a projection extending therefrom, thereby allowing ~~producing~~ said absorption displacement.

2. (Currently amended) The clamping or spreading tool as claimed in claim 27 ~~[[1]]~~, wherein the means for dissipating ~~force dissipating mechanism~~ is adapted to be activated by an operator such that, upon activation, the absorption displacement of the push or pull rod in the opening direction along the absorption path is allowed independently and, after the absorption displacement, an absorption displacement limitation takes hold automatically.

3. (Currently amended) The clamping or spreading tool as claimed in claim 27 ~~[[1]]~~, wherein the means for dissipating ~~force dissipating mechanism~~ can be activated only upon release of the blocking effect of the lock.

4. (Currently amended) The clamping or spreading tool as claimed in claim 27 [[1]], wherein the means for dissipating ~~force-dissipating mechanism~~ can be activated when clamping or spreading forces are held at the lock.

5. (Currently amended) The clamping or spreading tool as claimed in claim 27 [[1]], wherein the means for dissipating ~~force-dissipating mechanism~~ is or remains deactivated when the tool is not tensioned.

6. (Previously presented) The clamping or spreading tool as claimed in claim 27 [[1]], wherein the lock is shiftable essentially in the opening direction with respect to the stationary jaw, while maintaining its blocking effect, so as to provide the absorption displacement.

7. (Currently amended) The clamping or spreading tool as claimed in claim 27 [[1]], wherein the lock is arranged in a support in such a way as to be shiftable in the opening direction while its blocking effect is upheld, the support carrying the stationary jaw and holding the push or pull rod for displacement.

8. (Currently amended) The clamping or spreading tool as claimed in claim 6, wherein the lock is shiftable from a resting position in which it may be forcibly adjusted

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upon activation of the means for dissipating ~~force-dissipating mechanism~~ into an absorption end position.

9. (Previously presented) The clamping or spreading tool as claimed in claim 6, wherein shiftability of the lock is limited by an abutment formed on the support.

10. (Previously presented) The clamping or spreading tool as claimed in claim 6, wherein the shift distance travelled by the lock during absorption displacement substantially equals the predetermined absorption path.

11. (Currently amended) The clamping or spreading tool as claimed in claim 27 ~~[[1]]~~, wherein the means for dissipating ~~force-dissipating mechanism~~ comprises a drive for shifting the lock, with the push or pull rod-locked to the lock in the opening direction.

12. (Previously presented) The clamping or spreading tool as claimed in claim 11, wherein a the drive is to be implemented by an operator and comprises an eccentric bearing for the lock, such that at least part of the clamping or spreading forces can be introduced into the lock to be shifted.

13. (Currently amended) The clamping or spreading tool as claimed in claim 27 ~~[[1]]~~, wherein the lock is formed by a plate-type lock which is forcibly canted with respect to

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the push or pull rod to block displacement of the push or pull rod in the opening direction.

14. (Currently amended) The clamping or spreading tool as claimed in claim 27 ~~[[1]]~~, wherein the means for dissipating ~~force-dissipating mechanism~~ comprises two plate-type locks, one of which is shiftable with respect to the stationary jaw essentially in the opening direction for providing the absorption displacement while the forced canting with respect to the push or pull rod is upheld, whereas the other one is arranged stationarily with respect to the stationary jaw, maintaining the forced canting with respect to the push or pull rod.

15. (Previously presented) The clamping or spreading tool as claimed in claim 14, herein the forced canting of the stationary plate-type lock can be lifted before the forced canting of the shiftable plate-type lock.

16. (Previously presented) The clamping or spreading tool as claimed in claim 14, wherein the clamping or spreading forces released upon lifting of the forced canting of the stationary plate-type lock can be introduced into the shiftable plate-type lock such that the shiftable plate-type lock, together with the push or pull rod canted with respect to the same, are shifted from a starting position into an end position at which further shifting is prevented.

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17. (Previously presented) The clamping or spreading tool as claimed in claim 14, wherein the shiftable plate-type lock comprises a wedging plate which is forcibly canted to the push or pull rod so that displacement of the push or pull rod in the opening direction with respect to the wedging plate is blocked, said wedging plate contacting a movable place for engagement.

18. (Previously presented) The clamping or spreading tool as claimed in claim 17, wherein the wedging plate constitutes an entraining slide element of the gear mechanism designed as a stepping gear, and the movable place for engagement is presented by the location of power transmission from the entraining slide element into a movable, swingable actuating arm of the stepping gear.

19. (Previously presented) The clamping or spreading tool as claimed in claim 18, wherein the actuating arm has a mid position at which the actuating arm is positioned when unloaded, a stroke end position into which the actuating arm can be moved when actuated by an operator to displace the push or pull rod in the clamping or spreading direction, and an absorption end position, opposed to the stroke end position, into which the actuating arm can be moved for shifting the entraining slide element, while maintaining the forced canting thereof, and at which the actuating arm strikes against an abutment present on a support for providing limitation of the absorption displacement.

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20. (Currently amended) The clamping or spreading tool as claimed in claim 27 ~~[[1]]~~, wherein the means for dissipating force ~~dissipating mechanism~~ comprises a damper which dampens the absorption displacement of the push or pull rod along the absorption path.

21. (Currently amended) The clamping or spreading tool as claimed in claim 20, wherein the damper is activated only when the means for dissipating force ~~dissipating mechanism~~ for absorption displacement of the push or pull rod is the opening direction is activated.

22. (Previously presented) The clamping or spreading tool as claimed in claim 20, further comprising an actuating arm that operatively engages the entraining slide element, and wherein the damper is formed by a centering spring comprising a compression spring adapted to be tensioned by shifting of the lock essentially in the opening direction.

23. (Previously presented) The clamping or spreading tool as claimed in claim 22, wherein the centering spring is disposed between a support which holds the stationary jaw and the actuating arm.

24. (Currently amended) The clamping or spreading tool as claimed in claim 22, wherein the centering spring and a gear spring for canting the entraining slide element



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are harmonized such that the actuating arm is forcibly positioned in a mid position out of which lifting motion for the gear mechanism contrary to the gear spring and absorption motion for the means for dissipating contrary to the centering spring are allowed.

25. (Previously presented) The clamping or spreading tool as claimed in claim 22, wherein the centering spring tensioned in the absorption end position of the actuating arm can be relieved of tension by lifting the forced canting of the entraining slide element, the relaxing centering spring, at the same time, urging the actuating arm into the mid position.

26. (Previously presented) A clamping or spreading tool, comprising:

- a push or pull rod to which a movable jaw is fixed;

- a stationary jaw;

- a gear mechanism by which the movable jaw is movable towards or away from the stationary jaw by displacement of the push or pull rod in a clamping or spreading direction and by which clamping or spreading forces are applied between the jaws;

- a lock that blocks displacement of the push or pull rod in an opening direction opposite to the clamping or spreading direction so as to maintain the clamping or spreading forces generated between the jaws; and

- a force dissipating mechanism for dissipating the clamping or spreading forces stored that allows absorption displacement of the push or pull rod in the

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opening direction and blocks absorption displacement of the push or pull rod in the opening direction beyond a predetermined distance upon release of the lock, wherein the force dissipating mechanism comprises two plate-type locks, one of which is shiftable with respect to the stationary jaw essentially in the opening direction for providing the absorption displacement while the forced canting with respect to the push or pull rod is upheld, whereas the other one is arranged stationarily with respect to the stationary jaw, maintaining the forced canting with respect to the push or pull rod, ~~wherein~~ wherein said release lever includes ~~has~~ a contacting member which is offset from and contacts an elongated member with a projection extending therefrom, thereby ~~allowing producing~~ said absorption displacement.

27. (Previously presented) A clamping or spreading tool, comprising:

a push or pull rod to which a movable jaw is fixed;

a stationary jaw;

a gear mechanism by which the movable jaw is movable towards or away from the stationary jaw by displacement of the push or pull rod in a clamping or spreading direction and by which clamping or spreading forces are applied between the jaws;

a lock that blocks displacement of the push or pull rod in an opening direction opposite to the clamping or spreading direction so as to maintain the clamping or spreading forces generated between the jaws; and

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means for dissipating the clamping or spreading forces stored that allows absorption displacement of the push or pull rod in the opening direction along a predetermined absorption path and blocks absorption displacement of the push or pull rod in the opening direction beyond the predetermined absorption path upon release of the lock.

28. (Previously presented) A clamping or spreading tool, comprising:

a push or pull rod to which a movable jaw is fixed;

a stationary jaw;

a gear mechanism by which the movable jaw is movable towards or away from the stationary jaw by displacement of the push or pull rod in a clamping or spreading direction and by which clamping or spreading forces are applied between the jaws;

a lock that blocks displacement of the push or pull rod in an opening direction opposite to the clamping or spreading direction so as to maintain the clamping or spreading forces generated between the jaws; and

a force dissipating mechanism for dissipating the clamping or spreading forces stored that allows absorption displacement of the push or pull rod in the opening direction along a predetermined absorption path and blocks absorption displacement of the push or pull rod in the opening direction beyond the predetermined absorption path upon release of the lock, said force dissipating mechanism including:

a release lever to release the lock;

an entraining slide element to block the absorption displacement of the push or pull rod in the opening direction beyond the predetermined absorption path upon release of the lock; and

an actuating arm operatively engaging the entraining slide element, the actuating arm including a pivotable projecting stop for carrying out translatory motion in the longitudinal direction of the push rod to allow shifting of the entraining slide element.

29. (Previously presented) The clamping or spreading tool as claimed in claim 28, wherein the actuating arm has a mid position at which the actuating arm is positioned when unloaded, a stroke end position into which the actuating arm can be moved when actuated by an operator to displace the push or pull rod in the clamping or spreading direction, and an absorption end position, opposed to the stroke end position, into which the actuating arm can be moved for shifting the entraining slide element, while maintaining the forced canting thereof, and at which the actuating arm strikes against an abutment present on a support for providing limitation of the absorption displacement.

### **SUPPLEMENTAL REASONS FOR ALLOWANCE**

3. The following is an examiner's statement of reasons for allowance:

a. This application is allowable for the same reasons filed on 2/18/2011.

However, Applicant contacted the examiner to point out that some of the amendments previously made have been done in error. The agreed upon subject

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matter was inadvertantly left out by the examiner so this is a correction to claims which does not change patentability of any claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE D. WILSON whose telephone number is 571-272-4499. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MONICA CARTER can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Primary Examiner, Art Unit 3727

March 15, 2011